

## **Branigan, Terence**

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**From:** Cooney, Nigel (ENRD) <Nigel.Cooney@usdoj.gov>  
**Sent:** Thursday, November 03, 2016 5:23 PM  
**To:** Branigan, Terence; Bahr, Ryan  
**Cc:** Toney, Marcy; Bajor, John  
**Subject:** RE: Jeffersonville FCA Update and Request for Modification

Exemption 5 Deliberative Process; Attorney Client



Thanks,  
Nigel

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**From:** Branigan, Terence [mailto:Branigan.Terence@epa.gov]  
**Sent:** Thursday, November 03, 2016 4:32 PM  
**To:** Bahr, Ryan <bahr.ryan@epa.gov>  
**Cc:** Toney, Marcy <toney.marcy@epa.gov>; Bajor, John <bajor.john@epa.gov>; Cooney, Nigel (ENRD) <NCooney@ENRD.USDOJ.GOV>  
**Subject:** RE: Jeffersonville FCA Update and Request for Modification

Hi Ryan,

Exemption 5 Deliberative Process; Attorney Client



Exemption 5 Deliberative Process; Attorney Client



Exemption 5 Deliberative Process; Attorney Client



Thanks!

Terry

Terence Branigan  
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(312) 385-5500 fax  
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**From:** Bahr, Ryan

**Sent:** Thursday, November 03, 2016 11:47 AM

**To:** Branigan, Terence <[Branigan.Terence@epa.gov](mailto:Branigan.Terence@epa.gov)>

**Cc:** Toney, Marcy <[toney.marcy@epa.gov](mailto:toney.marcy@epa.gov)>; Bajor, John <[bajor.john@epa.gov](mailto:bajor.john@epa.gov)>; Cooney, Nigel (ENRD) <[Nigel.Cooney@usdoj.gov](mailto:Nigel.Cooney@usdoj.gov)>

**Subject:** RE: Jeffersonville FCA Update and Request for Modification

Exemption 5 Deliberative Process; Attorney Client



Exemption 5 Deliberative Process; Attorney Client



**From:** Branigan, Terence

**Sent:** Thursday, November 03, 2016 10:05 AM

**To:** Bahr, Ryan <[bahr.ryan@epa.gov](mailto:bahr.ryan@epa.gov)>; Bajor, John <[bajor.john@epa.gov](mailto:bajor.john@epa.gov)>; Cooney, Nigel (ENRD) <[Nigel.Cooney@usdoj.gov](mailto:Nigel.Cooney@usdoj.gov)>

**Cc:** Toney, Marcy <[toney.marcy@epa.gov](mailto:toney.marcy@epa.gov)>

**Subject:** RE: Jeffersonville FCA Update and Request for Modification

CONFIDENTIAL

ATTORNEY-CLIENT PRIVILEGED

Hi Ryan,

Exemption 5 Deliberative Process; Attorney Client



Thanks,

Terry

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**From:** Bahr, Ryan  
**Sent:** Wednesday, November 02, 2016 12:44 PM  
**To:** Bajor, John <[bajor.john@epa.gov](mailto:bajor.john@epa.gov)>; Branigan, Terence <[Branigan.Terence@epa.gov](mailto:Branigan.Terence@epa.gov)>; Cooney, Nigel (ENRD) <[Nigel.Cooney@usdoj.gov](mailto:Nigel.Cooney@usdoj.gov)>  
**Subject:** RE: Jeffersonville FCA Update and Request for Modification

Exemption 5 Deliberative Process; Attorney Client



**From:** Cooney, Nigel (ENRD) [<mailto:Nigel.Cooney@usdoj.gov>]  
**Sent:** Wednesday, November 02, 2016 9:36 AM  
**To:** Branigan, Terence <[Branigan.Terence@epa.gov](mailto:Branigan.Terence@epa.gov)>  
**Cc:** Bajor, John <[bajor.john@epa.gov](mailto:bajor.john@epa.gov)>  
**Subject:** RE: Jeffersonville FCA Update and Request for Modification

Exemption 5 Deliberative Process; Attorney Client



Thanks,  
Nigel

**From:** Branigan, Terence [<mailto:Branigan.Terence@epa.gov>]  
**Sent:** Friday, October 28, 2016 4:40 PM  
**To:** Cooney, Nigel (ENRD) <[NCooney@ENRD.USDOJ.GOV](mailto:NCooney@ENRD.USDOJ.GOV)>  
**Cc:** Bajor, John <[bajor.john@epa.gov](mailto:bajor.john@epa.gov)>  
**Subject:** RE: Jeffersonville FCA Update and Request for Modification

Great, thanks!

**From:** Cooney, Nigel (ENRD) [<mailto:Nigel.Cooney@usdoj.gov>]  
**Sent:** Friday, October 28, 2016 3:27 PM  
**To:** Branigan, Terence <[Branigan.Terence@epa.gov](mailto:Branigan.Terence@epa.gov)>  
**Cc:** Bajor, John <[bajor.john@epa.gov](mailto:bajor.john@epa.gov)>  
**Subject:** Re: Jeffersonville FCA Update and Request for Modification

Exemption 5 Deliberative Process; Attorney Client



Sent from my iPhone

On Oct 28, 2016, at 4:21 PM, Branigan, Terence <[Branigan.Terence@epa.gov](mailto:Branigan.Terence@epa.gov)> wrote:

Hi Nigel,

Exemption 5 Deliberative Process; Attorney Client

Thanks,

Terry

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**From:** Branigan, Terence  
**Sent:** Friday, October 28, 2016 3:17 PM  
**To:** 'Kelln, H. Max' <[H.Max.Kelln@faegrebd.com](mailto:H.Max.Kelln@faegrebd.com)>; ADMIRE, BETH <[BADMIRE@idem.IN.gov](mailto:BADMIRE@idem.IN.gov)>  
**Subject:** RE: Jeffersonville FCA Update and Request for Modification

Hi Max-

We've had some preliminary discussions about the modification request and are preparing correspondence seeking some additional information. The consensus here is that we'd like a chance to review the additional information prior to setting up a meeting to discuss the request. I am hopeful that the correspondence will be ready to send in the very near future.

Could you explain in more detail what is meant by saying that the city will have to act to preserve its rights regarding the new permit?

Thanks,

Terry

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**From:** Kelln, H. Max [<mailto:H.Max.Kelln@faegrebd.com>]  
**Sent:** Thursday, October 27, 2016 12:54 PM

**To:** Branigan, Terence <[Branigan.Terence@epa.gov](mailto:Branigan.Terence@epa.gov)>; ADMIRE, BETH <[BADMIRE@idem.IN.gov](mailto:BADMIRE@idem.IN.gov)>  
**Subject:** RE: Jeffersonville FCA Update and Request for Modification

Hi Terry –

Just checking in to see if the agencies are at a point yet where we can set up a meeting to discuss. The City of Jeffersonville's NPDES permit is nearing finalization, which will include a new phosphorus limit. So the city will have to act to preserve its rights regarding the new permit if a determination hasn't been made yet on the modification request.

Thanks!

Max

H. Max Kelln

*Associate*

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**Faegre Baker Daniels LLP**

300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA  
Connect: [LinkedIn](#)

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**From:** Branigan, Terence [<mailto:Branigan.Terence@epa.gov>]  
**Sent:** Thursday, October 13, 2016 3:17 PM  
**To:** Kelln, H. Max; ADMIRE, BETH  
**Subject:** RE: Jeffersonville FCA Update and Request for Modification

Hi Max:

November 8 and 9 won't work for EPA. We're having a conference call on Monday and should have a better idea afterward about what arrangements would work from this end.

Regards,

Terry

Terence Branigan  
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---

**From:** Kelln, H. Max [<mailto:H.Max.Kelln@faegrebd.com>]  
**Sent:** Thursday, October 13, 2016 12:51 PM  
**To:** ADMIRE, BETH <[BADMIRE@idem.IN.gov](mailto:BADMIRE@idem.IN.gov)>; Branigan, Terence <[Branigan.Terence@epa.gov](mailto:Branigan.Terence@epa.gov)>  
**Subject:** RE: Jeffersonville FCA Update and Request for Modification

Thanks Beth –

It looks like the week of the 24<sup>th</sup> doesn't work for us. We are available the first full week in November on the following dates:

- Tuesday, November 8; and
- Wednesday, November 9

Also, we want to propose having a call in advance if there are any questions/specifics you want us to address at the meeting. October 21 would work for the conference call.

Let us know if this works or is there any other dates that you are available after November 11.

Regards,

Max

H. Max Kelln

*Associate*

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**From:** ADMIRE, BETH [<mailto:BADMIRE@idem.IN.gov>]

**Sent:** Friday, October 07, 2016 10:11 AM

**To:** Kelln, H. Max; [Branigan.Terence@epa.gov](mailto:Branigan.Terence@epa.gov)

**Subject:** RE: Jeffersonville FCA Update and Request for Modification

The week of the 24<sup>th</sup> would work better for me.

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**From:** Kelln, H. Max [<mailto:H.Max.Kelln@faegrebd.com>]

**Sent:** Friday, October 07, 2016 10:09 AM

**To:** ADMIRE, BETH; [Branigan.Terence@epa.gov](mailto:Branigan.Terence@epa.gov)

**Subject:** RE: Jeffersonville FCA Update and Request for Modification

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Thanks. Would Friday, October 21 work? Again, our preference would be to meet in Jeffersonville so we can get as much local participation (sewer board, etc.) as possible. Also, I really think Jeffersonville wants an opportunity to show other progress that has been made with the system. We can provide a fuller agenda in advance. Regards, Max

H. Max Kelln

*Associate*

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**From:** ADMIRE, BETH [mailto:[BADMIRE@idem.IN.gov](mailto:BADMIRE@idem.IN.gov)]  
**Sent:** Monday, September 26, 2016 11:07 AM  
**To:** Kelln, H. Max; [Branigan.Terence@epa.gov](mailto:Branigan.Terence@epa.gov)  
**Subject:** RE: Jeffersonville FCA Update and Request for Modification

Hi Max:

We have an internal meeting schedule in this matter on October 17<sup>th</sup>, so I would prefer that we meet after that.

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**From:** Kelln, H. Max [mailto:[H.Max.Kelln@faegrebd.com](mailto:H.Max.Kelln@faegrebd.com)]  
**Sent:** Monday, September 26, 2016 10:06 AM  
**To:** [Branigan.Terence@epa.gov](mailto:Branigan.Terence@epa.gov); ADMIRE, BETH  
**Subject:** Jeffersonville FCA Update and Request for Modification

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Terry and Beth –

I think by now each of you should have received Jeffersonville's FCA Update and Request for Modification. In terms of next steps, we would like to propose an in-person meeting for Jeffersonville to present the key points of its revised FCA, discuss our modification request, and answer any preliminary questions. For further reference, please see attached public comments that were submitted by Jeffersonville to IDEM as part of its recent draft permit renewal.

For the meeting, we'd propose either Tuesday, October 11, or Wednesday, October 12 as the best dates for us. Present would be Diana Hamilton (Sycamore Advisers), Chris Ranck (Arcadis), myself, Len Ashack (sewer director), and perhaps a couple members of the sewer board. Our initial preference would be to have the meeting in Jeffersonville.

Please let us know if these don't work (or feel free to propose your own) and preferred location. Please let us know if you would like to have a preliminary conference call before then as well.

Regards,

Max

H. Max Kelln

*Associate*

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